

CITY & COUNTY OF SAN FRANCISCO

CONTRACT MONITORING DIVISION



CMD ATTACHMENT 7

Requirements for Design-Build and Construction Manager/General Contractor Contracts

**For contracts equal or greater than 50% of the Threshold Amount
and that are Advertised on or after November 1, 2025**

PART I. GENERAL

1.01 SAN FRANCISCO LABOR AND EMPLOYMENT CODE ARTICLE 131 (FORMERLY KNOWN AS ADMINISTRATIVE CODE CHAPTER 12B) AND ADMINISTRATIVE CODE CHAPTER 14B

- A. To be eligible for contract award, Bidders/Proposers must agree to comply with the Local Business Enterprise ("LBE") requirements sanctioned by San Francisco Labor and Employment Code Article 131 ("Article 131"), and San Francisco Administrative Code Chapter 14B ("Chapter 14B") and its implementing Rules and Regulations. Article 131 and Chapter 14B are administered and monitored by the San Francisco Contract Monitoring Division ("CMD").
- B. Article 131 and Chapter 14B and its implementing Rules and Regulations are incorporated by reference herein as though fully set forth and provide that the failure of any Bidder/Proposer to comply in good faith with these requirements shall be deemed a material breach of contract. Copies of Article 131 and Chapter 14B and its implementing Rules and Regulations are available on the CMD website at <http://www.sfgov.org/cmd>.
- C. Chapter 14B allows for a rating discount, referred to in this Attachment as a "rating bonus," for CMD certified firms, subject to certain limitations and exceptions. The Certification Application is available on the CMD website at <http://www.sfgov.org/cmd>.

IMPORTANT NOTICE: For all City Departments, in this CMD Attachment 7, the term "LBE" refers to only San Francisco ("SF") CMD Certified LBEs and NPEs and, therefore, does not include PUC-LBEs. However, PUC-LBEs may be used if a project is designated as an SFPUC Regional Project and falls under one of the following three criteria:

- 1. It is a PUC Regional Project that is to be performed outside of the jurisdictional boundaries of San Francisco that is identified as regional project and included in the formally approved Capital Improvement Program of the SFPUC's approximately \$4.6 billion project to seismically reinforce and otherwise enhance the Hetch Hetchy water supply system, also known as the Water System Improvement Program ("WSIP"), as it may be amended from time to time.
- 2. It is a PUC Regional Project that will be performed exclusively 70 miles or more beyond the jurisdictional boundaries of San Francisco.
- 3. It is a PUC Regional Project that will be exclusively outside the jurisdictional boundaries of San Francisco for which some or all of the cost will be shared by members of BAWSCA.

Note: Pursuant to Section 14B.5(D) of the Ordinance, for PUC Regional Projects that will be performed exclusively 70 miles or more beyond the jurisdictional boundaries of San Francisco and, for which no cost will be shared by members of BAWSCA, Contract Awarding Authorities shall only apply bid discounts/rating bonuses to Bids/Proposals from PUC-LBEs for the purpose of determining the apparent highest ranked Proposal or the apparent lowest Bid, where application of the bid discount/rating bonus will not adversely impact the ranking for negotiation or award process of a Bid/Proposal submitted by any Micro-LBE, Small-LBE, or SBA-LBE certified under Section 14B.3 of the Ordinance. For Water System Improvement Program projects, and projects outside of the jurisdictional boundaries of San Francisco where all or some cost is shared by members of BAWSCA, PUC-LBEs shall have the same status as LBEs.

*For assistance with this CMD Attachment
and/or assistance with the Equal Benefits Program,
please contact the CMD Main Office at (415) 554-0630*



1.02 SUBMISSION OF CMD FORMS

- A. Failure to complete or submit any of the pre-award forms (Form 2A, 2B, 3, and 5) or information as instructed under this Attachment may cause the Bidder/Proposer to be deemed non-responsive and/or ineligible for contract award. Bidders/Proposers are responsible for reviewing and complying with the specific instructions and requirements on each CMD form.

B. DESIGN-BUILD PROJECTS

Under Section 14B.19(A) of the Ordinance, CMD shall set separate LBE sub participation requirements for the design and construction portions of the project:

1. The LBE sub participation requirement(s) for the design portion of the work can be met with the participation by LBE design, engineering, and/or professional services consultants (collectively "subconsultants"). The project-specific bid documents or request for Proposals will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s). For the design portion of the project, the Design-Builder shall comply with CMD Attachment 2 or CMD Attachment 6A requirements.
2. The LBE sub participation requirement(s) for the construction portion of a Design-Build project can be met by the participation by LBEs. The project-specific bid documents or request for Proposals will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s).

The Design-Builder will select trade subcontractors during the Construction Services phase through the various trade packages. Before the trade package bidding process, the Design-Builder will develop an LBE participation plan which will include the LBE sub participation requirement(s) for each trade package so that the Design-Builder can meet the Construction LBE sub participation requirement(s) set by CMD for the project. The LBE participation plan must be updated prior to award of each trade package and must demonstrate how the Design-Builder is forecasting to meet the Construction LBE sub participation requirement(s). If the overall Construction LBE sub participation requirement(s) is not met with the award of the current trade package, the Design-Builder must provide justification for the shortfall. Upon receipt of Bids from trade package Bidders, CMD will evaluate whether or not the trade package low Bidder has met the stated LBE sub participation requirement(s). It is the Design-Builder's responsibility to meet the Construction LBE sub participation requirement(s) and failure to do so may subject the Design-Builder to fines pursuant to Chapter 14B. Should the Department require the Design-Builder to come in with the entire construction team at one point in time, the Design-Builder shall comply with CMD Attachment 1 requirements. However, if the Department requires the Design-Builder to put out various trade packages at different points in time, the Design-Builder shall comply with CMD Attachment 7 requirements.

The Design-Builder will be required to sign and submit an LBE sub participation requirement(s) commitment letter. If awarded the Contract, the Design-Builder must achieve the full LBE sub participation requirement(s) during the course of the project. Failure to do so may subject the Design-Builder to sanctions under Chapter 14B.

C. CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) PROJECTS

A Bidder/Proposer must identify any LBEs that it will use during the Pre-Construction Services phase in its Bid or Proposal as instructed below. The project-specific bid documents or request for Proposals will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s).



The CM/GC will select trade subcontractors during the Construction Services phase through the various trade packages. Before the trade package bidding process, the CM/GC will develop an LBE participation plan which will include the LBE requirement(s) for each trade package so that the CM/GC can meet the overall LBE sub participation requirement(s) set by CMD for the project. The LBE participation plan must be updated prior to award of each trade package and must demonstrate how the CM/GC is forecasting to meet the Construction LBE sub participation requirement(s). If the overall Construction LBE sub participation requirement(s) is not met with the award of the current trade package, the CM/GC must provide justification for the shortfall. Upon receipt of Bids from trade package Bidders, CMD will evaluate whether or not the trade package low Bidder has met the established LBE sub participation requirement(s). It is the CM/GC's responsibility to meet the overall project LBE sub participation requirement(s) and failure to do so may subject CM/GC to fines pursuant to Chapter 14B.

A Proposer must submit, or cause to be submitted, various CMD forms at different phases of the project, as follows:

1. **Submittal requirements for CM/GC:**

- a. **Form 2A: CMD Contract Participation Form.** All CM/GC Proposers must complete and submit Form 2A with their Proposals.

The CM/GC will use LBEs during the Pre-Construction Services Phase of the project to meet part of the overall LBE sub participation requirement(s) for the project. The Proposer must identify the certified LBEs that will be used to perform Pre-Construction Services on Form 2A and provide the requested information for each firm. The CM/GC Proposer must enter a specific dollar amount/percentage instead of "To Be Determined" ("TBD"). The CM/GC Proposer must utilize the listed LBEs participation for the Pre-Construction Services phase at the amount(s) indicated on Form 2A. The remaining balance of the overall LBE sub participation requirement(s) for the project will apply to the Construction Services phase.

All LBEs identified for the Pre-Construction Services phase must be certified with the CMD by the Proposal due date and must be contacted by Proposer prior to listing them as subs in the Proposal. All LBEs must be CMD certified in the scope of work that the LBE is listed to perform in order to receive LBE participation credit. CM/GC Proposers are responsible for verifying the listed LBE status prior to submitting a Bid or Proposal. The project-specific bid documents or request for Proposals will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s). LBE CM/GC Proposers and LBE subs must be certified as LBEs on the Proposal due date to qualify for the rating bonus or to qualify to meet the LBE sub participation requirement(s). A firm that has an LBE certification application pending, that has been denied certification, that has had its certification revoked, or that is in the process of appealing a CMD denial or revocation at the date and time the Proposal is due is not an LBE and cannot be counted as an LBE for purposes of achieving the LBE sub participation requirement(s), even if the firm is later certified or ultimately prevails in its appeal.

If seeking a bid discount/rating bonus as an LBE Proposer, check the appropriate box under Bid Discount/Rating Bonus, if applicable. Please see Part II for further information.

The CM/GC Proposer will be required to sign and submit an LBE sub participation requirement(s) commitment letter. If awarded the Contract, the CM/GC must achieve the full LBE sub participation requirement(s) during the course of the project. Failure to do so may subject the CM/GC to sanctions under Chapter 14B.



b. **Good Faith Outreach Requirement:**

The prime Contractor shall undertake the good faith outreach for each trade package as required in Chapter 14B Rules and Regulations, Section XIV.C.

c. **Form 3: CMD Compliance Affidavit:** CM/GC Proposer must sign under penalty of perjury.

2. **Submittal requirements for Design-Build and CM/GC projects with trade packages.**

NOTE: The following rules and procedures are only applicable for Design-Build and CM/GC projects that require the Prime to put out trade packages:

- a. **Form 2A/TP/NP: CMD Contract Participation Form/Trade Package:** The Design-Builder and/or CM/GC will require each trade package Bidder to submit with its Bid a completed CMD Form 2A/TP/NP that identifies all certified LBEs, including their respective subcontract dollar amounts and portion of work to be performed, that the trade package Bidder wishes to use toward the LBE sub participation requirement(s) set for that trade package. Trade package Bidders must enter a specific dollar amount/percentage instead of "To Be Determined" ("TBD").

All LBEs listed for a trade package must be certified with the CMD by the bid opening date for that trade package and must be contacted by the trade package Bidder prior to listing them in the Bid. Trade package Bidders are responsible for verifying the LBE status prior to submitting a Bid. The project-specific bid documents or request for Proposals will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s). A firm that has its certification revoked or that is in the process of appealing a CMD denial or revocation of its certification on the date the Bid is due, is not an LBE and cannot be counted as an LBE for purposes of achieving the LBE sub participation requirement(s), even if the firm is later certified or ultimately prevails in its appeal.

Pursuant to San Francisco Administrative Code Section 14.B.19(C)(4), it has been determined that for purposes of analyzing all LBE participation in trade packages, the percentages set forth in the California Subletting and Subcontracting Fair Practices Act, Public Contract Code Section 4100, *et seq.*, shall apply to all lower tier LBE subcontractors. In the event the trade package low Bidder submits a CMD Form 2A/TP/NP with its Bid but fails to meet the stated LBE trade package participation requirement(s) ("shortfall"), the Bidder shall be allowed to make up the shortfall within two weeks of the notification of the shortfall. Failure by the Bidder to achieve the LBE trade package requirement(s) within the two-week period, or time extension allowed by the Director in writing ("Grace Period"), shall deem the Bidder ineligible for award of the trade package subcontract.

To successfully make up a shortfall in LBE trade package participation, the trade package Bidder must submit an amended CMD Form 2A/TP/NP during the two week period or the Grace Period granted by the Director that demonstrates that the Bidder has achieved the stated LBE trade package participation requirement(s) **with no adjustment to its total bid price for the trade package**, by using one or more of the following procedures:

- **New LBE:** Trade package Bidder may submit an amended CMD Form 2A/TP/NP to add one or more LBEs to make up the shortfall, provided that the value of each subcontract added under this procedure (other than suppliers and trucking and hauling firms) does not exceed one-half of one percent of the total bid price for the trade package.*



- **Listed LBE:** Trade package Bidder may submit an amended CMD Form 2A/TP/NP to increase the subcontract value for one or more LBEs listed on Bidder's original CMD Form 2A/TP/NP.

If a trade package Bidder makes up a shortfall in LBE subcontractor participation during the two week period or the Grace Period granted by the Director by complying with the authorized procedures set forth above, then its Bid will be determined responsive as to the LBE trade package participation requirement(s). Alternatively, if a trade package Bidder fails to achieve the LBE trade package participation requirement(s) during the two week period or the Grace Period granted by the Director in accordance with the authorized procedures set forth above, then such Bidder's Bid will be rejected as non-responsive. In such an instance, the CMD and the DESIGN-BUILDER AND/OR CM/GC will evaluate the second low Bidder for potential contract award, and so on.

***Note: After utilizing the authorized procedures set forth above, trade package Bidder may not substitute a listed LBE(s) on Bidder's revised CMD Form 2A/TP/NP. Any addition/substitution of LBE(s) must have CMD's prior approval.**

- Form 2A/TP/NP ALT: CMD Contract Participation Form/Trade Package Alternates (if applicable):** The DESIGN-BUILDER AND/OR CM/GC will require each trade package Bidder to complete and submit Form 2A/TP/NP ALT. Compliance with the LBE trade package participation requirement(s) for the trade package will be determined on the amount of the base bid. LBEs that are listed on the base bid (Form 2A/TP/NP) should be listed again on Form 2A/TP/NP ALT for each alternate on which they will be utilized. Trade package Bidders must enter a specific dollar amount/percentage instead of "To Be Determined" ("TBD").
- Form 6/TP/NP: CMD LBE Participation Affidavit/Trade Package/Negotiated Package:** The DESIGN-BUILDER AND/OR CM/GC will require the apparent low trade package Bidder to submit completed copies of Form 6/TP/NP, and bid quotes must be submitted from all LBEs listed to meet the LBE trade package participation requirement(s) for the trade package, regardless of subcontracting tier. Subcontractors are required to sign this form under penalty of perjury.
- Form 6A/TP/NP: CMD LBE Trucking Form/Trade Package/Negotiated Package:** The DESIGN-BUILDER AND/OR CM/GC will require the apparent low trade package Bidder to submit Form 6A/TP/NP if Small/Micro LBE truckers are being used to meet the LBE trade package participation requirement(s) for the trade package. Only CMD certified LBE truckers can be utilized to meet the LBE trade package participation requirement(s).

Note: The Director may apply a set-aside utilization requirement for Micro-LBE certified trucking firms for this project under the Pilot Trucking Program. Please refer to the project-specific bid documents or request for Proposals for more information.

3. Forms for negotiated trade package subcontracts (if applicable):

For trade package subcontracts negotiated by DESIGN-BUILDER AND/OR CM/GC as authorized by Section 6.61(c)(5)(D) or Section 6.68(C)(3) of the Administrative Code and the project Contract (if any), the DESIGN-BUILDER AND/OR CM/GC shall require its subcontractor(s) to complete Forms 2A/TP/NP, 6/TP/NP, and 6A/TP/NP, as applicable, and shall submit copies of such forms to CMD for its approval prior to awarding the negotiated subcontract(s).



4. CMD LBE CONTRACT PERFORMANCE FORMS—POST AWARD

- a. **FORM 7: CMD Progress Payment Form:** The Design-Builder, CM/GC, and TP/NP Bidder awarded the Contract shall submit online using the Contract Awarding Authority's City approved system with each payment request. Failure to upload this information with each payment request may delay progress payment processing. Upon request from CMD, the Contractor must provide copies of certified payrolls for itself and all subcontractors. For any Other Direct Costs ("ODC") or direct reimbursable expenses/items, CMD will review and determine whether it is eligible for LBE sub participation credit.
- b. **FORM 9: CMD Payment Affidavit:** Following receipt of each progress payment from the Contract Awarding Authority, a Form 9 (or the information on Form 9) must be submitted online using the Contract Awarding Authority's City approved system with the next progress payment request. Subcontractors are then required to acknowledge payment from Contractor online using the Contract Awarding Authority's City approved system. Failure to submit required information may lead to partial withholding of progress payment, even if there are no subcontractor payments for the reporting period
- c. **Form 8: CMD Exit Report and Affidavit:** Submit with final Form 7. A separate Form 8 must be completed for each LBE subconsultant/subcontractor, supplier, and service provider (including lower-tier).
- d. **Form 10: CMD Contract Modification Form:** This form shall be completed by the DESIGN-BUILDER AND/OR CM/GC when any (all) amendments, modifications, or supplemental change orders cumulatively increase the original Contract, trade package, or negotiated trade package (whichever is applicable) by more than 20%, and then for all subsequent amendments, modifications or supplemental change orders that cumulatively increase the last CMD approved value by 20%.

Failure to submit all required information under Section 1.02 as specified by the City may result in sanctions under Chapter 14B, including but not limited to withholding of progress and final payments.

PART II. LBE RATING BONUS

2.01 APPLICATION

- A. **Eligibility for the LBE rating bonus:** Certified Micro, Small and SBA-LBEs, including certified non-profit organizations, are eligible for an LBE rating bonus (as applicable under Chapter 14B.7) if the LBE is CMD certified in the type of work that is specified for the prime Proposer by the Contract Awarding Authority. A prime Proposer that has a certification application pending, that has been denied certification, that has had its certification revoked or that is in the process of appealing a CMD denial or revocation at the date and time the Proposal is due IS NOT an LBE and IS NOT eligible to receive the rating bonus even if the firm is later certified or ultimately prevails in its appeal. Contract Awarding Authorities shall apply these bid discounts/rating bonuses to each evaluation stage of the selection process, as applicable. The bid discounts/rating bonuses do not apply to subcontractor trade packages. The LBE JV bid discounts/rating bonuses do not apply to DESIGN-BUILD AND CM/GC contracts.

The Rating Bonus provided under Section 2.01 can be combined with each other. A Proposer may receive up to a maximum rating bonus of 13% depending on the particular application listed below.



A Proposer may only claim one rating bonus under each of the following subsections:

- Section 2.01(B) **Standard rating bonus**
- Section 2.01(D) **Prime Neighborhood/Zip Code LBE rating bonus**
- Section 2.01(E) **Subcontracting Neighborhood/Zip Code LBE rating bonus**

Note: The Mentor Protégé bid discount, Section 2.01(F), cannot be combined with any of the bid discounts from Sections 2.01(B) through (E). The Mentor Protégé rating bonus is not applicable to professional services contracts. However, the Mentor Protégé rating bonus/bid discount is applicable for Design-Build and/or CM/GC projects.

B. Application of the **Standard rating bonus** shall be as follows:

1. **Contracts with an Estimated Cost in Excess of the Delegated Purchasing Amount (\$20,000 as of July 1, 2024) and Less Than or Equal to \$400,000.** A 10% rating bonus will apply to any Proposals submitted by CMD certified Small or Micro-LBEs. SBA-LBEs are not eligible for a rating bonus OR
2. **Contracts with an Estimated Cost in Excess of \$400,000 and Less Than or Equal to \$10,000,000.** A 10% rating bonus will apply to any Proposals submitted by CMD certified Small or Micro-LBEs. If, after the application of the 10% rating bonus to Proposals submitted by Small or Micro-LBEs, the apparent low Proposer is not a Small or Micro-LBE, a 5% rating bonus will be applied to any Proposal from an SBA-LBE in accordance with the procedures and limitations set forth in Section 14B.7(E) of the Ordinance OR
3. **Contracts with an Estimated Cost in Excess of \$10,000,000 and Less Than or Equal to \$20,000,000.** Only the 2% rating bonus will apply to any Proposal submitted by a Small LBE, Micro LBE and SBA-LBE OR
4. **Contracts with an Estimated Cost in Excess of \$20,000,000.** The rating bonus for LBEs does not apply for DESIGN-BUILD AND/OR CM/GC Contracts estimated by the Contract Awarding Authority to exceed \$20,000,000.
5. Rating bonuses are not applicable to Contracts awarded by private non-profit agencies, regardless of whether or not government funding is involved, or whether or not the firms competing for Contracts are for-profit businesses.

C. **Pilot Neighborhood/Zip Code LBE Program**

This pilot program is a hyper-local preference program is to encourage participation by neighborhood businesses on City public works projects located in their neighborhood. This program shall apply to Administrative Code Chapter 6 Contracts for projects located within the jurisdictional boundary of San Francisco estimated to cost in excess of **the Delegated Purchasing Amount (\$20,000 as of July 1, 2024)** and less than or equal to \$10,000,000. The Pilot Neighborhood/Zip Code LBE Program bid discount does not apply for Contracts estimated by the Contract Awarding Authority to exceed \$10,000,000. The program shall not apply to Job Order Contracts (JOC), As-Needed Contracts, or other Contracts where no specific project location is specified at the time of Proposal.

The program preferences shall be available to LBEs who meet one or both of the following criteria:

1. **Neighborhood LBE.** A “Neighborhood LBE” means a certified Small or Micro-LBE whose principal place of business is located in the same Neighborhood as the Neighborhood in which the project is located, where “Neighborhood” is defined as any one of the 11 Supervisorial Districts as defined and established in the San Francisco Charter, Appendix E at time of Proposal. In order to facilitate this, the Contract Awarding Authority is required to identify the specific address/Neighborhood(s) where



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the project will be located on all RFQ/RFPs, and bidding documents.

2. **Project Zip Code LBE.** A “Project Zip Code LBE” means a certified Small or Micro-LBE whose principal place of business is located in the same zip code as the zip code in which the project is located; In order to facilitate this, the Contract Awarding Authority is required to identify the specific address/Neighborhood(s) where the project will be located on all RFQ/RFPs, and bidding documents.

D. Application of the **Prime Neighborhood/Zip Code LBE rating bonus:**

1. A 1% rating bonus to Proposals from a Neighborhood LBE when proposing on a Contract where the project is located in the same Neighborhood as the Neighborhood LBE’s principal place of business OR
2. A 1.5% rating bonus to Proposals from a Project Zip Code LBE when proposing on a Contract where the project is located in the same zip code as the Project Zip Code LBE’s principal place of business.

E. Application of the **Subcontracting Neighborhood/Zip Code LBE rating bonus:**

1. A 0.5% rating bonus to Proposals from any prime Proposer if the LBE sub participation in the submitted Proposal includes participation by Neighborhood LBEs of at least 50% of the sum of all the LBE sub participation requirement(s) OR
2. A 1.5% rating bonus to Proposals from any prime Proposer if the LBE sub participation in the submitted Proposal includes participation by Zip Code LBEs of at least 50% of the sum of all the LBE sub participation requirement(s).

F. Application of the **Mentor Protégé bid discount/rating bonus:**

A 1% bid discount/rating bonus to Bids from any prime Bidder/Proposer who has been deemed by CMD to qualify for the bid discount/rating bonus. The bid discount/rating bonus shall not exceed \$300,000 and will not be applied if it results in an LBE losing status as the apparent low Bidder or highest ranked Proposer.

PART III. LBE SUBCONTRACTOR/SUBCONSULTANT (“SUB”) PARTICIPATION

3.01 LBE SUB PARTICIPATION REQUIREMENT(S)

- A. The DESIGN-BUILDER AND/OR CM/GC must perform good faith outreach efforts for trade packages. After all trade packages have been awarded for the project, the DESIGN-BUILDER must meet the LBE sub participation requirement(s) for the construction phase; similarly, the CM/GC must meet the project-wide LBE sub participation requirement(s). The project-specific bid documents or request for Proposals will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s). DESIGN-BUILDER and/or CM/GCs failure to achieve their respective LBE sub participation requirement(s) shall subject DESIGN- BUILDER AND/OR CM/GC to sanctions as described in Section 14B.17 of the Ordinance.

If the Contract authorizes the DESIGN-BUILDER AND/OR CM/GC to negotiate subcontracts for trade work up to an amount not to exceed 7.5% of the total estimated trade package costs as authorized under Administrative Code Section 6.61(c)(5)(D) or Section 6.68(C) **AND** if, during the course of the Contract, the CMD determines that actual LBE participation at a particular time in the bidding of trade packages is less than anticipated, relative to the overall contract LBE sub participation requirement(s), then the DESIGN-BUILDER AND/OR CM/GC shall negotiate and award trade packages to LBEs using the up to 7.5% of total trade package costs available to it for negotiating subcontracts.



1. Design-Builders, CM/GCs, and TP/NP Bidders must identify on Form 2A the particular LBE subs and lower-tier subs to be utilized in performing the Contract, specify for each the percentage of participation, the type of work to be performed and such information as the CMD reasonably shall require to determine the responsiveness of the Proposal. For a Design-Builder, CM/GC, and TP/NP Bidder to receive credit toward the LBE sub participation requirement(s), a listed LBE sub must be CMD certified in the scopes of work/ trade(s) specified on Form 2A. Additionally, subs may be listed by more than one Design-Builder, CM/GC, and TP/NP Bidder.
2. Design-Builders, CM/GCs, and TP/NP Bidders must contact an LBE before listing that LBE as a sub in the Proposal. A Proposal that fails to comply with this requirement will not receive LBE credit for the referenced LBE. LBEs must be certified with CMD on the proposal due date to receive LBE sub participation credit.
3. Design-Builders, CM/GCs, and TP/NP Bidders are responsible for verifying the LBE status of a sub prior to submitting a Proposal. A sub that has a certification application pending, that has been denied certification, that has had its certification revoked or that is in the process of appealing a CMD denial or revocation at the date and time the Proposal is due is not an LBE and cannot be counted as an LBE for purposes of achieving LBE sub participation requirement(s), even if the firm is later certified or ultimately prevails in its appeal.
4. CMD may require the successful Proposer to submit performance reports on actual LBE participation at 30%, 50%, 70%, and 90% completion to the Contracting Awarding Authority and CMD.

B. Determination and Calculation of LBE Sub Participation.

General Rules and Commercially Useful Function

1. All DESIGN-BUILDERS AND/OR CM/GCS, including LBE DESIGN-BUILDERS AND/OR CM/GCS, must meet the LBE sub participation requirement(s). An LBE DESIGN- BUILDER AND/OR CM/GC cannot count its own work towards meeting the LBE sub participation requirement(s).
2. If a Bidder/Proposer/Contractor owns or controls or has any common ownership or control of more than one business, the Bidder/Proposer/Contractor will not receive LBE participation credit if it lists such other firm(s) to meet the LBE sub participation requirement(s). For purposes of determining ownership of a business, a business owned by the Bidder/Proposer/Contractor's spouse/domestic partner shall be deemed to be owned by the Bidder/Proposer/Contractor.
3. For a Bidder to receive credit toward the LBE sub participation requirement(s), a listed LBE must be CMD certified in the scopes of work/trade(s) listed on Form 2A. The LBE sub shall be listed to perform scope(s) of work, which is described in the project-specific bid documents or request for Proposals.
 - a. An LBE performs a Commercially Useful Function if it is directly responsible for providing the materials, equipment, supplies, or services to the project as required by the contract documents. To perform a Commercially Useful Function, an LBE must be solely responsible for execution of a distinct element of the contract work, and must actually perform, manage, and supervise the work involved in accordance with normal industry practice. For example, for any subcontract involving LBE subcontractors providing construction laborers, the LBE



subcontractor must be responsible for the labor and supervision for its listed scope of work at the time of bid, if applicable. CMD reserves the right to request and review such information during the course of the Contract and, upon request, the Bidder shall submit the requested information to CMD within 10 days.

- b. To determine whether an LBE is performing a Commercially Useful Function, the CMD will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the Contract is commensurate with the work it is actually performing and the LBE credit claimed for its performance of the work, and other relevant factors. What constitutes a Commercially Useful Function will vary depending on the type of LBE (e.g., construction subcontractor, design subconsultant, cost estimator, manufacturer, supplier, broker, or trucker).
 - c. An LBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of LBE participation. In determining whether an LBE is such an extra participant, the CMD will examine similar transactions and determine whether or not non-LBEs would normally participate in such transactions. No credit will be given for a LBE that serves as a pass-through.
4. Only the dollar amount of work to be performed by the LBE will be credited toward meeting the LBE sub participation requirement(s).
 - *Example:* Bidder/Proposer/trade package Bidder lists an LBE for \$1,000,000, but the LBE sub will perform \$510,000 of that amount. The remaining \$490,000 will be further subcontracted out to a lower-tier non-LBE sub. Only \$510,000 will be credited toward the LBE sub participation requirement(s).
 5. All work performed by lower-tier LBEs will be credited toward meeting the LBE sub participation requirement(s) provided that the lower-tier LBE was listed on either CMD Form 2A (Pre-Construction Services) at the time of bid/proposal or CMD Form 2A/TP/NP (Construction Services) at the time of bid for the applicable trade package.
 - *Example:* A non-LBE sub is listed for \$1,000,000 and will perform \$800,000 of that amount. The remaining \$200,000 will be further subcontracted out to a lower-tier LBE sub. Only \$200,000 will be credited toward the LBE sub participation requirement(s), provided that the lower-tier LBE sub was listed on CMD Form 2A or Form 2A/TP/NP at the time of bid/proposal, as appropriate.

Deletable Bid Items, Allowances, Contingency/Conditional & Alternate Bid Items – Applicable to Construction Services/Trade Packages/Negotiated Packages

6. The CMD will calculate compliance with the LBE sub participation requirement(s) based on the total amount of a trade package Bidder's base bid (including non-deletable bid items, deletable bid items, allowances, and all other items that contribute to the base bid amount). If a trade package Bidder lists an LBE on CMD Form 2A/TP/NP and intends to use that LBE for alternate work, the trade package Bidder must separately list the LBE on Form 2A/TP/NP ALT for each alternate on which the LBE will be used.
7. A trade package Bidder shall not use deletable bid items, allowances or contingency/conditional bid items to meet the LBE trade package participation requirement(s) at the time of bid.



LBE Construction Subcontractors – Applicable to Construction Services/Trade Packages/Negotiated Packages

8. Trade package Bidders may receive 100% credit for CMD-certified LBE construction subcontractors that perform a Commercially Useful Function by supplying labor, materials, and supplies for a discrete portion of the contract work performed in accordance with normal industry practice. To receive credit towards the LBE sub participation requirement(s) with respect to materials and supplies used for the contract work, the material and supplies must be of the type normally provided by the construction subcontractor in accordance with industry practice. In addition, with respect to materials and supplies, the LBE construction subcontractor must be responsible for negotiating price, determining quality and quantity, ordering the material and supplies, selecting a supplier or dealer from those available, installing the materials, and paying for the materials and supplies. To receive LBE participation credit, the trade package Bidder must list the LBE construction subcontractor on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
9. Trade package Bidders may receive 100% credit for LBE construction contractors that perform a Commercially Useful Function by supplying labor only for a discrete portion of the contract work in accordance with normal industry practice. To receive LBE participation credit, the trade package Bidder must list the LBE construction subcontractor on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).

LBE Manufacturers – Applicable to Construction Services/Trade Packages/Negotiated Packages

10. If a trade package Bidder obtains materials, supplies, articles, or equipment directly from an LBE manufacturer certified by the CMD as a manufacturer of such items, 100% of the cost of the items will count toward the LBE sub participation requirement(s), regardless of who installs such items. An LBE manufacturer is a firm that performs a Commercially Useful Function by operating or maintaining a factory or establishment that produces on the premises the materials, supplies, articles or equipment required under the Contract and of the general character described by the specifications. To receive LBE participation credit, the trade package Bidder must list the LBE manufacturer on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).

LBE Suppliers – Applicable to Construction Services/Trade Packages/Negotiated Packages

11. If a trade package Bidder obtains materials, supplies, articles or equipment from an LBE supplier certified by CMD to supply such items, 60% of the cost of the items will count toward the LBE sub participation requirement(s) if the LBE supplier performs a Commercially Useful Function by taking possession of the items and assuming the risk of their delivery. An LBE supplier is a firm with the financial and physical capability to purchase, to stock, and to distribute or sell the materials, supplies, articles or equipment of the general character described by the specifications and required under the Contract consistent with relevant industry practice in the usual course of business. No LBE participation credit beyond 60% of the cost of materials, supplies, articles or equipment will be credited for any claimed services provided by the LBE supplier. To receive LBE participation credit, the trade package Bidder must list the LBE supplier on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).



12. If a trade package Bidder obtains materials, supplies, articles or equipment from an LBE supplier certified by CMD to supply such items, and the supplier performs a Commercially Useful Function by purchasing and selling the items, but does not take possession of the items and assume the risk of their delivery, then the LBE supplier is serving as a broker or agent, and only 5% of the cost of the materials or supplies will count toward the LBE sub participation requirement(s). No LBE participation credit beyond 5% of the cost of materials or supplies will be credited for any claimed services (including, but not limited to, costs of insurance, warehousing, or general maintenance) provided by the LBE supplier/broker. To receive LBE participation credit, the trade package Bidder must list the LBE supplier/broker on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
13. For CMD-certified LBE equipment rental firms, 60% of the equipment rental fee (current market rate) of equipment owned by the LBE equipment rental firm will be credited towards the LBE sub participation requirement(s). To receive LBE participation credit, the trade package Bidder must list the LBE equipment rental firm on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).

Specially Manufactured Items – Applicable to Construction Services/Trade Packages/Negotiated Packages

14. The trade package bid documents or specifications may list material, articles, equipment or other manufactured items that have been designated as Specially Manufactured Items for the purposes of the LBE sub participation requirement(s). A Specially Manufactured Item is an item that is not supplied by suppliers or construction subcontractors in the usual course of business.
15. If the trade package bid documents or specifications expressly identify one or more Specially Manufactured Items, CMD will calculate LBE participation credit for such items according to the following rules:
 - a. If a Specially Manufactured Item is manufactured by and purchased from a CMD- certified LBE manufacturer, 100% of the purchase order amount will be credited toward meeting the LBE sub participation requirement(s), regardless of who installs the item. To receive LBE participation credit, the trade package Bidder must list the LBE manufacturer on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
 - b. If a Specially Manufactured Item is purchased from a CMD-certified LBE supplier, only 5% of the purchase price of the item will be credited towards meeting the LBE sub participation requirement(s). No LBE participation credit beyond 5% of the purchase price will be credited for any claimed services (including, but not limited to, costs of insurance, warehousing, and general maintenance) provided by the LBE supplier. To receive LBE participation credit, the trade package Bidder must list the LBE supplier on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
 - c. If a Specially Manufactured Item is supplied and installed by a CMD-certified LBE construction subcontractor, 5% of the purchase price of the item and 100% of the installation labor cost will be credited towards meeting the LBE sub participation requirement(s), provided that installation by the construction subcontractor reflects normal industry practice. To receive LBE participation credit, the Bidder must list the LBE construction subcontractor on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
 - d. A trade package Bidder may receive full (100%) LBE participation credit for any labor associated with the installation of a Specially Manufactured Item (regardless of the source of supply), provided the installation is performed by a CMD-certified construction subcontractor



in accordance with normal industry practice. To receive LBE participation credit, the trade package Bidder must list the LBE construction subcontractor on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).

LBE Truckers – Applicable to Construction Services/Trade Package Bids/Negotiated Packages

16. CMD will count 100% credit toward the LBE sub participation requirement(s) when an LBE-owned trailer is pulled by a LBE-owned cab and the driver of the cab is an employee/owner of the LBE trucking firm that owns the cab. CMD will count 60% credit toward the LBE sub participation requirement(s) when an LBE-owned trailer is pulled by a non-LBE owned cab. CMD will count 0% credit toward the LBE sub participation requirement(s) when a non-LBE-owned trailer is pulled by a non-LBE-owned cab. To receive LBE participation credit, the trade package Bidder must list the LBE trucking firm on Form 2A/TP/NP (and Form 2A/TP/NP ALT, if applicable).
17. In order to receive LBE participation credit for Trucking and Hauling, the LBE must own the cab or trailer at the time of bid and be certified under the category “Trucking and Hauling” with the CMD’s Certification Unit. The following items fall under the “Trucking and Hauling” category: cabs and trailers. Prior to the bid due date, the LBE must have provided ownership information and all necessary permits and registration for the Trucking and Hauling items that will be utilized for the project to CMD’s Certification Unit, which will verify and add this information to the certification file. During the course of the Contract, the CMD Director may authorize LBE participation credit for vehicles or equipment purchased or leased after the time of bid on a case by case basis.

Construction Equipment– Applicable to Construction Services/Trade Package Bids/Negotiated Packages

18. Construction Equipment firms are firms that sell and/or rent construction equipment. For example, items such as storage tanks, grit separators, debris boxes, etc., are considered Construction Equipment and not under the “Trucking and Hauling” Category. If these items are utilized in conjunction with trucking and hauling operations, they are still classified in the Construction Equipment Category. In order to receive LBE participation credit for these types of items, a firm, at the time of bid, must be certified under the category of “Construction Equipment” with the CMD’s Certification Unit.
19. Prior to the bid due date, the LBE must have provided ownership information of the Construction Equipment items that will be utilized for the project to CMD’s Certification Unit, which will verify and add this information to the certification file. Please contact the CMD Certification Unit at 415-581-2310 for further information and assistance, as the LBE will need to provide documents appropriate to the firm’s stock, inventory, and business model. During the course of the Contract, the CMD Director may authorize LBE participation credit for vehicles or equipment purchased or leased after the time of bid on a case by case basis.

Note: LBE firms in the “Construction Equipment” category are equipment sales and rental firms. For CMD certified LBE equipment rental firms, only 60% of the equipment rental fee (current market rate) will be credited towards the LBE sub participation requirement(s).

- 3.02 Substitution, removal, or contract modification of LBE subcontract:** No LBE subcontractor, subconsultant, supplier, trucker, or vendor listed on Form 2A, Form 2A/TP/NP, or Form 2A/TP/NP ALT (if applicable) shall be substituted, removed from the Contract or have its contract, purchase order or other form of agreement modified in any way without prior CMD approval. [Note: As set forth in Subsection 1.02(B)(2)(a) of this Attachment, CMD will **not** approve the substitution of an LBE listed on an originally submitted CMD Form 2A/TP/NP when applying the two-week period



or the Grace Period granted by the Director described in that Subsection.] Contractor must conduct good faith efforts to replace an LBE with another LBE to comply with the LBE sub participation requirement(s). In addition, any proposed new firms must have CMD's prior approval.

PART IV "GOOD FAITH OUTREACH" REQUIREMENTS

The prime Contractor shall undertake the good faith outreach for each trade package as required in Chapter 14B Rules and Regulations, Section XIV.C. The DESIGN-BUILDER AND/OR CM/GC shall document its good faith outreach efforts for each trade package and shall, upon request, provide copies of such documentation to the CMD.

PART V NONCOMPLIANCE AND SANCTIONS

A. Non-Compliance with Chapter 14B

1. A complaint of non-compliance concerning LBE participation initiated by any party after contract award will be processed in accordance with Chapter 14B and its implementing Rules and Regulations.
 - a. If the CMD Director determines that there is cause to believe that a Contractor has failed to comply with any of the requirements of Chapter 14B, CMD Rules and Regulations, or contract provisions pertaining to LBE participation, the CMD Director shall notify the Contract Awarding Authority and attempt to resolve the non-compliance through conference and conciliation.
 - b. If the non-compliance is not resolved through conference and conciliation, the CMD Director shall conduct an investigation and, where the Director so finds, issue a written Finding of Non-Compliance.
 - c. The Director's finding shall indicate whether the Contractor acted in good faith or whether noncompliance was based on bad faith noncompliance with the requirements of Chapter 14B, CMD Rules and Regulations, or contract provisions pertaining to LBE participation.
2. Where the Director finds that the Contractor acted in good faith, after affording the Contractor notice and an opportunity to be heard, the Director shall recommend that the Contract Awarding Authority take appropriate action. Where the Director finds bad faith noncompliance, the Director shall impose sanctions for each violation of the Ordinance, CMD rules and regulations, or contract provisions pertaining to LBE participation, which may include:
 - a. Issuing an Order of Debarment prohibiting the Contractor and affiliates from participating in City Contracting for a period not to exceed five years and terminating any existing Contracts or subcontracts with the debarred Contractor, in accordance with the Administrative Debarment provisions and procedures set forth in Administrative Code Chapter 28.
 - b. Determining that the Contractor has failed to comply with the provisions of Chapter 14B, sanctions are as follows:
 - i) suspend a Contract;
 - ii) withhold Contract payments;
 - iii) assess penalties;
 - iv) debarment;
 - v) revoke CMD certification; or
 - vi) pursuant to Section 14B.7(H)(2) of the Ordinance, assess liquidated damages in an amount up to 25% of the total amount of the contract or subcontract, as applicable, or \$1,000, whichever is greatest as determined by CMD.



- c. The Director's determination of non-compliance is subject to appeal to the City Administrator pursuant to CMD Rules and Regulations.
 - d. An appeal by a Contractor to the City Administrator shall not stay the Director's findings.
 - e. The CMD Director may require such reports, information, and documentation from Contractors, subcontractors, Contract Awarding Authorities, and heads of departments, divisions, and offices of the City and County as are reasonably necessary to determine compliance with the requirements of Chapter 14B.
- B. Procedure for the collection of penalties is as follows:**
- 1. The CMD Director shall send a written notice to the Controller, the Mayor and to all Contract Awarding Authorities or City and County department officials overseeing any Contract with the Contractor that a determination of non-compliance has been made and that all payments due the Contractor shall be withheld.
 - 2. The CMD Director shall transmit a report to the Controller and other applicable City departments to ensure that the liquidated damages are paid to the City.

**FORM 2A: CMD CONTRACT PARTICIPATION FORM**
(Pre-Construction Services Only)

Section 1: Proposer must submit this Form with its Bid/Proposal, or the Bid/Proposal may be deemed non-responsive and rejected. Prime Proposer, and any subconsultants, subcontractors, and lower sub tiers that will perform Pre-Construction Services must be listed on this Form. An LBE prime Proposer must meet the LBE sub participation requirement(s) by utilizing only CMD certified LBEs. The project-specific bid documents or request for Proposals will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s). An LBE prime Proposer may not count its participation towards meeting the LBE sub participation requirement(s). Be sure to check the applicable box for Rating Bonus. If more space is needed, attach additional copies of this form.

| | | |
|-----------------|--|--|
| Contract No.: | | |
| Contract Title: | | LBE SUBPARTICIPATION REQUIREMENT(S) |
| Firm: | | <input type="checkbox"/> Micro and Small-LBE Sub Requirement - ____% |
| Contact Person: | | <input type="checkbox"/> Micro, Small, SBA-LBE Sub Requirement - ____% |
| Address: | | <input type="checkbox"/> Micro-LBE Sub Requirement - ____% |
| City/ZIP: | | <input type="checkbox"/> Small-LBE Sub Requirement - ____% |
| Phone, Email: | | <input type="checkbox"/> SBA-LBE Sub Requirement - ____% |

***Type: Identify if Prime (P), JV partner (J), Subconsultant (S), or Vendor (V)**

| TYPE * | Firm | Portion of Work (Describe Scope(s) of Work) | % of Work | Indicate LBE or Non-LBE. If LBE, identify Micro, Small, or SBA. | % of LBE Subwork (Carry-Over from % of Work Column) | | |
|--------|------|---|-------------|---|--|-------|-----|
| | | | | | Micro | Small | SBA |
| | | | % | | % | % | % |
| | | | % | | % | % | % |
| | | | % | | % | % | % |
| | | | % | | % | % | % |
| | | Total % of Work: | 100% | Total LBE Sub Participation: | % | % | % |

I declare, under penalty of perjury under the laws of the State of California, that I am utilizing the above Consultants for the portions of work and amounts as reflected in the proposal for this Contract.

Owner/Authorized Representative (Signature): _____ Date: _____

Print Name and Title: _____

See CMD website: <http://www.sfgov.org/cmd> for each firm's status



Section 2. Rating Bonus

Check applicable boxes. See instructions in Section 2.01.

- A. ☐ NO Rating Bonus Requested 0%
- B. Mentor-Protégé Program Bid Discount/Rating Bonus.
☐ Mentors of the Mentor-Protégé Program 1%
- C. Contracts with an Estimated Cost in Excess of \$400,000 and Less Than or Equal to \$10,000,000.
☐ Micro or Small-LBE 10%
☐ SBA-LBE 5%
- D. Contracts with an Estimated Cost in Excess of the Delegated Purchasing Amount (\$20,000 as of July 1, 2024) and Less Than or Equal to \$10,000,000. The below rating bonuses DO NOT apply to Chapter 21 contracts and only apply to Chapter 6 contracts, including Chapter 6.40. See instructions in Section 2.01 for details. This Neighborhood/Zip Code LBE Program shall apply to projects located within the jurisdictional boundary of San Francisco. The program shall not apply to Job Order Contracts (JOC), As-Needed contracts, or other contracts where no specific project location is specified at the time of proposal. The RFP/RFQ will clearly state whether the Pilot Neighborhood/Zip Code LBE Program is applicable to the specific project. A Proposer may receive up to a maximum rating bonus of 13% depending on the particular application.

Prime Neighborhood/ZIP CODE LBE rating bonus:

☐ Prime Neighborhood LBE 1%

OR

☐ Prime Zip Code LBE 1.5%

Subcontracting Neighborhood/Zip Code LBE rating bonus:

☐ Sub Neighborhood LBE 0.5%

OR

☐ Sub Zip Code LBE 1.5%

- E. Contracts in Excess of \$10,000,000 and Less Than or Equal to \$20,000,000.
☐ Micro, Small, or SBA-LBE 2%

Section 3. Prime Proposer, Subconsultant, and Subcontractor Information (Pre-Construction Services)

Provide information for each firm listed in Section 1 of this form. Firms which have previously worked on City Contracts may already have a vendor number. Vendor numbers of LBE firms are located in the CMD LBE website at <http://www.sfgov.org/cmd>. Use additional sheets if necessary.

| | | | |
|----------------|---------------|--------|--|
| FIRM NAME: | VENDOR #: | | |
| ADDRESS: | FEDERAL ID #: | | |
| CITY, ST, ZIP: | PHONE: | EMAIL: | |
| SERVICE: | | | |



| | | | |
|----------------|-------|---------------|-------|
| FIRM NAME: | _____ | VENDOR #: | _____ |
| ADDRESS: | _____ | FEDERAL ID #: | _____ |
| CITY, ST, ZIP: | _____ | PHONE: | _____ |
| SERVICE: | _____ | EMAIL: | _____ |

| | | | |
|----------------|-------|---------------|-------|
| FIRM NAME: | _____ | VENDOR #: | _____ |
| ADDRESS: | _____ | FEDERAL ID #: | _____ |
| CITY, ST, ZIP: | _____ | PHONE: | _____ |
| SERVICE: | _____ | EMAIL: | _____ |

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|----------------|-------|---------------|-------|
| FIRM NAME: | _____ | VENDOR #: | _____ |
| ADDRESS: | _____ | FEDERAL ID #: | _____ |
| CITY, ST, ZIP: | _____ | PHONE: | _____ |
| SERVICE: | _____ | EMAIL: | _____ |

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| FIRM NAME: | _____ | VENDOR #: | _____ |
| ADDRESS: | _____ | FEDERAL ID #: | _____ |
| CITY, ST, ZIP: | _____ | PHONE: | _____ |
| SERVICE: | _____ | EMAIL: | _____ |

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| FIRM NAME: | _____ | VENDOR #: | _____ |
| ADDRESS: | _____ | FEDERAL ID #: | _____ |
| CITY, ST, ZIP: | _____ | PHONE: | _____ |
| SERVICE: | _____ | EMAIL: | _____ |

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| FIRM NAME: | _____ | VENDOR #: | _____ |
| ADDRESS: | _____ | FEDERAL ID #: | _____ |
| CITY, ST, ZIP: | _____ | PHONE: | _____ |
| SERVICE: | _____ | EMAIL: | _____ |

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|----------------|-------|---------------|-------|
| FIRM NAME: | _____ | VENDOR #: | _____ |
| ADDRESS: | _____ | FEDERAL ID #: | _____ |
| CITY, ST, ZIP: | _____ | PHONE: | _____ |
| SERVICE: | _____ | EMAIL: | _____ |



FORM 3: CMD COMPLIANCE AFFIDAVIT

1. I will ensure that my firm complies fully with the provisions of Chapter 14B of the San Francisco Administrative Code and its implementing Rules and Regulations and attest to the truth and accuracy of all information provided regarding such compliance.
2. Upon request, I will provide the CMD with copies of Contracts, subcontract agreements, certified payroll records and other documents requested so the HRC and CMD (as applicable) may investigate claims of discrimination or non-compliance with either San Francisco Labor and Employment Code Article 131 (formerly known as Administrative Code Chapter 12B) or Chapter 14B.
3. I acknowledge and agree that any monetary penalty assessed against my firm by the Director of the CMD shall be payable to the City and County upon demand. I further acknowledge and agree that any monetary penalty assessed may be withheld from any monies due to my firm on any Contract with the City and County of San Francisco.
4. I declare and swear under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct and accurately reflect my intentions.

Signature of Owner/Authorized Representative: _____

Owner/Authorized Representative (Print) _____

Name of Firm (Print) _____

Title and Position _____

Address, City, ZIP _____

Federal Employer Identification Number (FEIN): _____

Email _____

Date: _____

**FORM 2A/TP/NP: CMD CONTRACT PARTICIPATION FORM/TRADE PACKAGE**

This Form implements the listing requirements of Administrative Code § 14B.19 for LBE subs who will perform trade package work. Bidder's Form 2A/TP/NP submitted with its Bid shall identify all subs that will be performing work on this trade package (this includes the trade package Prime, all lower tier subs, and non-LBE subs).

Trade package Bidder shall complete and submit this Form 2A/TP/NP with its Bid. In the event the trade package low Bidder fails to meet the stated requirement(s), the Bidder shall be allowed to make up the requirement(s) within two weeks of the notification of the shortfall, provided the Bidder does not violate the California Subletting and Subcontracting Fair Practices Act (Public Contract Code Section 4100 et seq.). Failure by the Bidder to achieve the requirement(s) within the two week period, or within some other time allowed by the Director in writing, shall deem the Bidder ineligible for award of the trade package subcontract. In such an instance, the Director and the prime Contractor shall evaluate the second low Bidder in the same manner for potential contract award.

Bidder's Form 2A/TP/NP submitted with its Bid shall identify each LBE sub (regardless of dollar amount of subcontract) for whom Bidder seeks credit toward the LBE sub participation requirement(s) set for the trade package. At a minimum, Bidder must provide the following information with its Bid for each LBE: (i) type of firm [Box 1]; (ii) firm name [Box 2]; (iii) location of the place of business [Box 3]; (iv) portion of the work that will be performed by the LBE [Box 4]; and (v) amount of subcontract work [Box 10]. Failure by trade package Bidder to include the minimum identifying information specified above with the Bid may make it impossible for CMD to determine whether or not Bidder has met the LBE trade package participation requirement(s) and, therefore, may result in a determination that the Bid is non-responsive. A Bidder must satisfy the LBE trade package participation requirement(s) by using only CMD certified LBEs. The project-specific bid documents or request for Proposals will state which LBE size category (e.g., Micro, Small, and/or SBA-LBE) can be used to meet the LBE sub participation requirement(s). An LBE trade package Bidder may count its own participation toward meeting the LBE trade package participation requirement(s) for the trade package.

Refer to Subsection 1.02(C)(2)(a) of CMD Attachment 7 for additional information regarding the use of this Form and application of the grace period authorized by Administrative Code § 14B.19.

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |



Copy this page as needed to provide a complete listing.

Page _____ of _____

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |

If this is the last page, complete ALL of the following applicable options:

| |
|--|
| TOTAL PERCENTAGE OF Micro-LBE PARTICIPATION CLAIMED FOR WORK: _____% |
| TOTAL PERCENTAGE OF Small-LBE PARTICIPATION CLAIMED FOR WORK: _____% |
| TOTAL PERCENTAGE OF SBA-LBE PARTICIPATION CLAIMED FOR WORK: _____% |
| TOTAL PERCENTAGE OF Micro and Small-LBE PARTICIPATION CLAIMED FOR WORK: _____% |
| TOTAL PERCENTAGE OF Micro, Small, and SBA-LBE PARTICIPATION CLAIMED FOR WORK: _____% |



FORM 2A/TP/NP ALT: CMD CONTRACT PARTICIPATION FORM/TRADE PACKAGE(ALTERNATE WORK)

Pursuant to Chapter 14B, compliance with the LBE trade package participation requirement(s) for a trade package is determined on the amount of the base bid. LBEs that are listed on the base bid (Form 2A/TP/NP) should be listed again on Form 2A/TP/NP ALT for each alternate on which they will be utilized.

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |



Copy this page as needed to provide a complete listing.

Page _____ of _____

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |

| | | |
|--|--|-------------------------------------|
| 1. TYPE OF SUBCONTRACTOR: <input type="checkbox"/> First Tier; <input type="checkbox"/> Lower Tier; <input type="checkbox"/> Supplier; <input type="checkbox"/> Service Contractor (e.g., Trucker) | | |
| 2. SUBCONTRACTOR NAME | | |
| 3. ADDRESS | | |
| 4. BID ITEMS/PORTION OF WORK | | |
| 5. PHONE NO. | 6. VENDOR NO. | 7. FEDERAL ID NO. |
| 8. LICENSE NO. | 9. SF BUSINESS TAX REG. NO. | 10. AMOUNT OF SUB-CONTRACT WORK: \$ |
| 11. CERTIFIED LBE? <input type="checkbox"/> Yes <input type="checkbox"/> No | 12. IF LBE, CHECK ALL THAT APPLY: <input type="checkbox"/> Small LBE; <input type="checkbox"/> Micro LBE; <input type="checkbox"/> SBA-LBE; <input type="checkbox"/> PUC-LBE | |

If this is the last page, complete ALL of the following applicable options:

| |
|--|
| TOTAL PERCENTAGE OF Micro-LBE PARTICIPATION CLAIMED FOR WORK: _____% |
| TOTAL PERCENTAGE OF Small-LBE PARTICIPATION CLAIMED FOR WORK: _____% |
| TOTAL PERCENTAGE OF SBA-LBE PARTICIPATION CLAIMED FOR WORK: _____% |
| TOTAL PERCENTAGE OF Micro and Small-LBE PARTICIPATION CLAIMED FOR WORK: _____% |
| TOTAL PERCENTAGE OF Micro, Small, and SBA-LBE PARTICIPATION CLAIMED FOR WORK: _____% |

**FORM 6/TP/NP: CMD LBE PARTICIPATION AFFIDAVIT/TRADE PACKAGE**

This affidavit is to be completed by each LBE sub (including lower tier subs) and submitted to the apparent low trade package Bidder. The apparent trade package low Bidder shall submit the completed affidavits and copies of the sub's bid quotes to the DESIGN-BUILDER or CM/GC no later than 5:00 p.m. on the fifth business day following the trade package bid opening. LBE Firms may attach additional sheets if more space is needed to provide complete information.

Contract Number: _____ Contract Name: _____

Name of Bidder: _____

Name of LBE Sub or Supplier: _____

License #: _____ Scope of work: _____

1. _____ verify that _____ bid to
Name of LBE Owner/Representative LBE Firm

the above referenced Bidder for subcontracting work in the amount of \$ _____ and
have been offered a subcontract in that amount.

2. Please list major vendors/suppliers of goods/services for this project:

| Name | Phone | Product | \$ Amount |
|------|-------|---------|-----------|
| | | | \$ |
| | | | \$ |
| | | | \$ |

3. Please describe scope(s) of work:

4. Check one:

☐ We will NOT subcontract out ANY portion of our work to another subcontractor.

☐ We WILL subcontract out _____% of our
work to: _____

Firm

in the amount of \$ _____. This business is a: ☐ LBE Certified ☐ Not LBE Certified.

5. ☐ I have enclosed a copy of my Firm's Bid Quote.

I declare, under penalty of perjury, that the above information is true and correct and that our firm is a bona fide, certified LBE as defined under Chapter 14B of the San Francisco Administrative Code.

LBE Owner/Authorized Representative (Signature)_____
Date_____
Name and Title (Print)_____
Phone_____
Email

**FORM 6A/TP/NP: CMD LBE TRUCKING FORM/TRADE PACKAGE**

This form must be submitted when the TP/NP Bidder will be utilizing CMD certified LBE trucking firms. This form is to be completed by the TP/NP Bidder to describe the complete scope of trucking work to be performed for the trade package work and submitted to the DESIGN-BUILDER or CM/GC by 5 p.m. on the fifth day following trade package bid opening.

Contract Number: _____ Contract Name: _____

Trade Package Name: _____

SECTION 1. TRUCKING ESTIMATE

| | | |
|--|--|--|
| Products to be Hauled: | | |
| Type of equipment needed/indicate maximum Number of trucks needed per day: | | |
| Quantity of product to be hauled: | | |
| Estimated quantity per truckload: | | |
| Estimated number of truckloads: | | |
| Products to be hauled from (give point of origin): | | |
| Estimated Number of truck hours per trip: | | |
| Trucking Rate: | | |
| Estimate of total trucking (Number of loads times hours per trip times trucking hourly rate): | | |

If an assigned Trucker is being paid for Administrative Work (i.e. Dispatcher), Describe and State Amount to be Paid:

Is this assigned Trucking firm an LBE or Non-LBE firm, specify:

☐ LBE ☐ Non-LBE

Total Dollar Amount Committed to LBE Truckers: \$ _____

* Disposal fee and equipment rental fee will not be counted towards meeting the LBE trucking dollars amount.

SECTION 2. TRUCKING AND HAULING FIRMS

List below CMD certified LBE trucking and hauling firms that will be utilized for this trade package work along with any trucking firms that it will further subcontract out portions of its work. *Copy this form for additional truckers and provide the requested information for each LBE trucker.*

| | |
|---|---|
| Firm Name: | <input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE |
| Products to be hauled: | |
| Number of Trucks Needed: | |
| Type of Trucks Needed: | |
| Proposed Dollar Amount of subcontract: | |



| | |
|---|---|
| Firm Name: | <input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE |
| Products to be hauled: | |
| Number of Trucks Needed: | |
| Type of Trucks Needed: | |
| Proposed Dollar Amount of subcontract: | |

| | |
|---|---|
| Firm Name: | <input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE |
| Products to be hauled: | |
| Number of Trucks Needed: | |
| Type of Trucks Needed: | |
| Proposed Dollar Amount of subcontract: | |

| | |
|---|---|
| Firm Name: | <input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE |
| Products to be hauled: | |
| Number of Trucks Needed: | |
| Type of Trucks Needed: | |
| Proposed Dollar Amount of subcontract: | |

| | |
|---|---|
| Firm Name: | <input type="checkbox"/> LBE <input type="checkbox"/> Non-LBE |
| Products to be hauled: | |
| Number of Trucks Needed: | |
| Type of Trucks Needed: | |
| Proposed Dollar Amount of subcontract: | |

I declare, under penalty of perjury that I am the owner or authorized representative of this firm and that the foregoing is true and correct.

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone Email Date



FORM 7: CMD PROGRESS PAYMENT FORM

To be submitted electronically using the Contract Awarding Authority's City approved system.

To be entered by the Design-Builder, CM/GC, trade package Bidder or negotiated trade package Bidder (whichever is applicable) for each trade package, negotiated trade package and/or master contract payment and submitted to the Contract Awarding Authority with CM/GC's, trade package Bidder's or negotiated trade package Bidder's (whichever is applicable) monthly progress payment request.

TO: City Representative or Inspector COPY: CMD Contract Compliance Officer
FROM: _____ Date: _____

SECTION 1. Fill in all the blanks

Contract Number: _____ Contract Name: _____

Reporting Period From: _____ To: _____ Progress Payment No: _____

The information submitted on Sections 1 and 2 of this form must be cumulative for the entire Contract. Additionally, the information submitted on Sections 1 and 2 of this form must be consistent. See next page for Section 2.

1. Original Contract Award Amount: \$ _____
2. Amount of Change Orders, Amendments, and Modifications to Date: \$ _____
3. Current Contract Amount (*Line 1 + Line 2*): \$ _____
4. Gross Amount Invoiced this submittal period: \$ _____
5. All Previous Gross Amounts Invoiced: \$ _____
6. Total Gross Amounts of Progress Payments Invoiced to Date (*Line 4 + Line 5*): \$ _____
7. Percent Complete (*Line 6 + Line 3*): _____ %

Contractor must sign this form

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Email

Date



SECTION 2. For column “A”, list the Design-Builder, CM/GC, trade package Bidder or negotiated trade package Bidder (whichever is applicable), each Joint Venture partner and ALL subcontractors, vendors and suppliers including 2nd, 3rd, 4th, and 5th tier subcontractors. Make copies if more space is needed. DESIGN-BUILDER AND/OR CM/GC must retain copies of all the DESIGN-BUILDER AND/OR CM/GC and subcontractor invoices supporting the information tabulated for this progress payment. CMD reserves the right to request and review this information up to five (5) years following project completion and, upon request, CM/GC, trade package Bidder or negotiated trade package Bidder (whichever is applicable) shall submit the requested information to CMD within 10 business days.

Notes: 1. Failure to submit all required information may lead to partial withholding of progress payment. (See Chapter 14B)

2. All firms must be CONTINUOUSLY listed on column “A” regardless if a firm is requesting payment.

Identify the LBE sub participation requirement(s) for this Contract:

Identify the LBE sub commitment(s) for this Contract:

| A | B | C | D | E | F | G | H |
|---|-------------------|---|---|---|---------------------------------------|--|---------------------------------|
| Name of Firm List Consultant/JV partners at the prime and sub levels, and all subs, vendors and suppliers for all tiers. (For each firm, indicate if it is an LBE.) | Service Performed | Amount of Contract or Purchase Order at Time of Award | Amount of Change Orders/Modifications to Date | Total Amount of Contract or Purchase Order to Date +/- Change Orders/Modifications (C + D) or (C-D) | Amount Invoiced this Reporting Period | Amount Invoiced to Date, including Amount Invoiced this Reporting Period (F) | Percent Completed to Date (G÷E) |
| | | | | | | | % |
| | | | | | | | % |
| | | | | | | | % |
| | | | | | | | % |
| | | | | | | | % |
| | | | | | | | % |
| | | | | | | | % |
| | | | | | | | % |
| LBE Sub-Totals | | | | | | | % |
| CONTRACT TOTALS | | | | | | | % |

**FORM 9: CMD PAYMENT AFFIDAVIT**

To be submitted electronically using the Contract Awarding Authority's City approved system.

TO: City Representative _____
FROM (Contractor): _____COPY: CMD Contract Compliance Officer _____
Date: _____

List the following information for each progress payment received from the Contracting Awarding Authority. Use additional sheets to include complete payment information for all LBE subs, suppliers, and vendors (including lower tiers) utilized on this Contract. Failure to submit all required information may lead to partial withholding of progress or final payment.

Contract Number: _____ Contract Name: _____

Contract Awarding Department: _____

Progress Payment No.: _____ Period Ending: _____

Amount Received: \$ _____ Date: _____ Warrant/Check No.: _____

☐ Check box and sign below if there is no sub payment for this reporting period.

| Sub/Supplier/Vendor Name | Business Address | Amount Paid | Payment Date | Check Number/ Electronic Transfer Number |
|--------------------------|------------------|-------------|--------------|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

I declare, under penalty of perjury under the laws of the State of California, that the above information is complete and that the tabulated amounts paid to date are accurate and correct. Contractor must sign this form.

Owner/Authorized Representative (Signature)_____
Name and Title (Print)_____
Firm Name_____
Telephone_____
Email_____
Date



FORM 8: CMD EXIT REPORT AND AFFIDAVIT

For each trade package, negotiated trade package and/or work under the master Contract, the Design-Builder, CM/GC, trade package Bidder or negotiated trade package Bidder (whichever is applicable) must complete and sign Sections 1 and 4 of this form for each LBE subcontractor/supplier/trucker (including each lower-tier LBE subcontractor). All LBEs must complete and sign Sections 2 and 3 of this form. Please be sure to keep a copy of your outreach efforts (e.g., email, USPS certified mail, etc.) to the LBE sub(s). These forms should be submitted to the Contract Awarding Authority and CMD with the final progress payment request for each trade package and/or negotiated trade package.

TO: City Representative COPY: CMD Contract Compliance Officer
FROM (Contractor): _____ Date Transmitted: _____

SECTION 1.

- ☐ Please check this box if there are no LBE subconsultants/suppliers for this Contract.
☐ Please check this box if the LBE sub fails to complete and sign this form within 5 business days (see Section 3).

| | |
|---|--------------------------------|
| Reporting Date: _____ | Contract Name: _____ |
| Name of LBE: _____ | Portion of Work (Trade): _____ |
| Original LBE Contract Amount: | \$ _____ |
| Change Orders, Amendments, Modifications: | \$ _____ |
| Final LBE Contract Amount: | \$ _____ |
| Amount of Progress Payments Paid to Date: | \$ _____ |
| Amount Owning including all Change Orders, Amendments and Modifications | \$ _____ |

Explanation by Contractor if the final contract amount for this LBE is less than the original contract amount:

SECTION 2. Please check one:

- ☐ I did NOT subcontract out ANY portion of our work to another subcontractor.
☐ I DID subcontract out our work to:

| | |
|---------------------|--------------------------------|
| Name of Firm: _____ | Amount Subcontracted: \$ _____ |
| Name of Firm: _____ | Amount Subcontracted: \$ _____ |

(OVER)



SECTION 3.

To be completed/signed by the LBE subcontractor/supplier/trucker:

- ☐ I agree with the above completed Section 1.
- ☐ I disagree with the above completed Section 1.

If "I disagree" is checked above, please explain. LBE sub must address any discrepancies within 5 business days after it has received this form from the Design-Builder, CM/CG, trade package Bidder or negotiated trade package Bidder (whichever is applicable). If the LBE sub fails to submit the form within 5 business days, the Design-Builder, CM/CG, trade package Bidder or negotiated trade package Bidder (whichever is applicable) will note this under Section 1 of this form and submit the form as is with the final progress payment.

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Date

SECTION 4.

If this form is submitted without the LBE's signature, the Design-Builder, CM/GC, trade package Bidder or negotiated trade package Bidder (whichever is applicable) must enclose verification of delivery of this form to the subcontractor/supplier.

I declare, under penalty of perjury under the laws of the State of California, that the information contained in Section 1 of this form is complete, that the tabulated amounts paid to date are accurate and correct, and that the tabulated amounts owing will be paid within three (3) days after receipt of the City's final payment under the Contract.

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Email

Date



FORM 10: CMD CONTRACT MODIFICATION FORM

For the master Contract, each trade package and each negotiated trade package, the Design-Builder, CM/GC, trade package Bidder, or negotiated trade package Bidder (whichever is applicable) must submit this form with the required supporting documentation and obtain prior CMD approval when processing amendments, modifications or change orders that cumulatively increase the original contract amount by more than 20%, and then for all subsequent amendments, modifications or change orders that cumulatively increase the last CMD approved value by 20%. This form must be completed prior to the approval of such amendments, modifications or change orders.

Name of Project/Contract Title: _____

Original Contract Amount: _____

Total Contract Amount as Modified to Date: _____

Amount of Current Modification Request: _____

New Total Contract Amount after Current Modification Request: _____

REQUIRED INFORMATION:

1. A list of all prior contract amendments, modifications, supplements and/or change orders leading up to this modification, including those leading up to the amendment which increased the original contract amount by more than 20%. Please list below.

| Modification/ Amendment Number | Amount of Modification/ Amendment (If Applicable) | Brief Description of Services/Work |
|--------------------------------------|--|------------------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

2. A spreadsheet showing each firm's participation for the overall Contract, including each firm's participation to date and proposed participation under the modification.



PROPOSED CONTRACT VALUE WITH NEW MODIFICATION/AMENDMENT

| | LBE Commitment(s) at the Time of Bid | LBE Participation To-Date | Projected LBE Commitment(s) Including This Mod/Amend |
|----------------------------------|---|--|---|
| Micro and Small-LBE | % | % | % |
| Micro, Small, and SBA-LBE | % | % | % |
| Micro-LBE | % | % | % |
| Small-LBE | % | % | % |
| SBA-LBE | % | % | % |
| TOTALS | % | % | % |

| Firm Name | Commitment Made at Time of Bid/Proposal | Dollar Invoiced To- Date | Invoiced % To- Date | Projected Overall Dollar Amount with This Mod/Amend | Projected Overall % with This Mod/ Amend |
|--------------------|--|---|--------------------------------|--|---|
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| | % | \$ | % | \$ | % |
| LBE TOTALS: | % | \$ | % | \$ | % |
| TOTALS: | % | \$ | % | \$ | % |

3. A brief description of the work to be performed under this amendment, modification, or change order.



4. For any listed LBE that is currently under its commitment or is not projected to meet its committed percentage of overall work, please provide an explanation as to why this is the case.

| LBE Firms Falling Short of Commitment or Not Projected to Meet Their Committed Percentage of Work: | Reason |
|--|--------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Email

Date